

EXHIBIT B

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ESTEBAN PEREZ, FELIPE GALINDO, and
DELFINO LOPEZ,

17-CV-7837

Plaintiffs,

-against-

50 FOOD CORP. (D/B/A SILO CAFÉ) and
ANDREW SUNG (AKA HWAN SEUNG SUNG),
Defendants.

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AFFIDAVIT OF PLAINTIFF ESTEBAN PEREZ

1. My name is Esteban Perez. I am a Plaintiff in the above referenced matter.
2. I was employed by Silo Café beginning in either September or October 2009 through October 2017.
3. I was hired by the manager, Dennis, who I later learned is named Minchul Kim.
4. Kim told me that I would be working at the deli counter and that my salary would be \$450 per week.
5. Kim also explained and that the schedule was Monday through Friday from 6 a.m. to 4 p.m.
6. At the time I was hired, I did not sign any documents.
7. Throughout my time working at Silo Café, I was always paid in cash.
8. In 2014, I received a raise of \$480 per week.
9. In late 2015, I received a raise of \$500 per week, which was my last pay rate before I quit.
10. I never received any document confirming these pay raises.
11. I typically arrived at Silo Café at 6 a.m. and worked until 4 p.m.
12. I typically took a thirty-minute lunch break, although often times the deli was too busy and I could not take time for lunch. I estimate that I was not able to take lunch on average one day per week.

13. At times, on average once per month, I was required to stay later than 4 p.m. to do additional cleaning.

14. On those occasions, I would typically stay until 4:30 or 4:45 and Kim would give me an additional ten dollars for staying late.

15. Beginning in 2016, most of the employees' hours were cut.

16. Instead of 10 hours per day, we began working only eight hours per day, from 6:30 a.m. to 2:30 p.m. We continued to work five days per week.

17. Beginning in 2016, with the change in the schedule, Kim began to have us sign a paper when we received our weekly pay. I will refer to these documents as "weekly payment reports".

18. Kim told us that we had to sign the "weekly payment reports" in order to receive our pay.

19. I never paid close attention to the "weekly payment reports" when I signed these papers because I was just interested in receiving my pay.

20. After I signed the "weekly payment reports", Kim would keep the paper. I was never given a copy.

21. I did not sign "weekly payment reports" prior to the change in schedule in 2016.

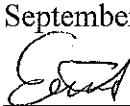
22. In or about April of 2016, Kim gave me a document to sign that I later learned was a called a wage notice. I did not read the wage notice carefully when I signed it and Kim did not explain the wage notice to me.

23. I never signed in and out on a regular basis during my employment at Silo Café. I cannot explain the existence of attendance records that purport to include my signature.

24. I quit my job at Silo Café in October of 2017.

I hereby swear under penalty of perjury that the above is true to the best of my knowledge and belief.

Dated: September 20, 2018

Signed: 
Esteban Perez

The individual known to me to be Esteban Perez appeared before me this 20th day of September, 2018, and affixed his signature to this document above.

Signed:

Chis Davis
Notary Public

ALICE FAE DAVIS
NOTARY PUBLIC - STATE OF NEW YORK
NO. 02DA6334108
QUALIFIED IN QUEENS COUNTY
MY COMMISSION EXPIRES 12-07-2019

TRANSLATOR'S CERTIFICATE

I, Rebecca Rybaltowski, certify that I am fluent in both Spanish and English and that I have correctly and accurately translated this document from English to Spanish and that the above named person has assured me that he has understood this affidavit.

Dated: September 20, 2018

Signed:

September 20, 2018
Rebecca Ryallowski

The individual known to me to be Rebecca Rybaltowski appeared before me this 20 day of September, 2018, and affixed his/her signature to this document above.

Signed:

Alice Davis
Notary Public

ALICE FAE DAVIS
NOTARY PUBLIC - STATE OF NEW YORK
NO. 02DA6334108
QUALIFIED IN QUEENS COUNTY
MY COMMISSION EXPIRES 12-07-2019